

**BOARD OF APPEALS CASE NO. 5272**

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**BEFORE THE**

**APPLICANTS: Brian Starr**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to construct an addition  
within the required front yard setback;  
201 Hitching Post Drive, Bel Air**

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**OF HARFORD COUNTY**

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**Hearing Advertised**

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**Aegis: 7/24/02 & 7/31/02**

**Record: 7/26/02 & 8/2/02**

**HEARING DATE: September 9, 2002**

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## **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Brian Starr, is requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to construct an addition within the required 35 foot setback (18 feet proposed) in an R2/Urban Residential District.

The subject parcel is located at 201 Hitching Post Drive, Bel Air, MD 21014 and is within the subdivision of Harford Woods. The parcel is more particularly identified on Tax Map 49, Grid 1C, Parcel 0829, Lot 27. The parcel consists of 0.463± acres, is zoned R2 and is entirely within the Third Election District.

Mr. Brian Starr appeared and testified that he proposes to construct a 20 foot by 24 foot addition to the rear of his home. The addition will be used as year round living space and will have its own heating and cooling system. The existing house is a split and additional room is needed to accommodate his family that consists of three adults and two children. The lot is subject to two front yard setbacks because it is a corner location. The two front yard setbacks create the need for the variance as well as location of existing well and basement walkout. The Applicant stated that there was no other practical location for the addition and that reducing its size to meet the setback requirements would make the addition unusable. The witness did not believe any adverse impacts would result from the grant of his request, noting that the addition will match the existing house siding, roof materials and architectural appearance.

## **Case No. 5272– Brian Starr**

Mr. John Ruzicka appeared and testified that he lives next door to the Applicant at 203 Hitching Post Drive. Mr. Ruzicka testified that his property would be the most impacted by the proposed addition and he had no objection to the Applicant's proposal. Mr. Ruzicka felt that there would be no impact to his property if the variance were granted.

The Department of Planning and Zoning reported that they had found the property unique for the reasons stated by the Applicant. Additionally, the Department agreed that this proposed location was the most practical location for the addition; that the addition was compatible with other structures in the subdivision; and that no adverse impacts would result from a grant of the variance.

### **CONCLUSION:**

The Applicant, Brian Starr, is requesting a variance pursuant to Section 267-36B, Table V, of the Harford County Code, to construct an addition within the required 35-foot setback (18 feet proposed) in an R2/Urban Residential District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner agrees with the testimony of the witnesses and finds that the subject property is unique and that the proposed addition will not adversely impact adjoining or neighboring properties, nor will a grant of the variance impair the purposes of the Harford County Zoning Code.

**Case No. 5272– Brian Starr**

The Hearing Examiner recommends approval of the request, subject only to the Applicant obtaining any and all necessary permits and inspections.

Date SEPTEMBER 9, 2002

William F. Casey  
Zoning Hearing Examiner